IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION.

NOTICE OF MOTION No. 2408 of 2006

IN

SUIT NO. 1354 OF 1990.

Garware Paints Ltd.and Anr. Plaintiffs.

Vs.

East India Transport Agency. Defendant.

Mrs. Arti B. Barve for the Plaintiff.
Chandrasekharan V.V. for Defendant.

CORAM: DR.D.Y.CHANDRACHUD,J.
DATED: 01.09.2006.

P.C.:-

1] This Motion has been taken out by the Defendant for taking the Written Statement on record. In the affidavit in support, it has been stated that when the matter appeared on Board before the Prothonotary and Senior Master on 18th January, 1996 the written statement was filed and a copy was also served on the Plaintiffs' Advocate on 11th January, 1996. The Advocate appearing on behalf of the Plaintiffs does not dispute the position that a copy of the written statement was served on

her in 1996. In this view of the matter,the relief sought in the Motion should, in my view, be granted in the interest of justice and the written statement should be taken on record. This shall be, however, subject to the payment of costs quantified at Rs.2,000/-payable to the Plaintiffs which shall be a condition precedent. Costs to be paid within a period of one week from today.

2] Subject to payment of costs, written statement is allowed to be taken on record. Suit be placed on Board after four weeks for further directions. Written statement to be filed in the Registry.

[DR.D.Y.CHANDRACHUD,J]